

Recruitment, Selection and Disclosures Policy and Procedure

Extracted from Section B: Part 10 of the Staff Handbook

- 10.1 St. Mary's School ('the School') is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.
- 10.2 The School aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.
- 10.3 All queries on the School's application form and recruitment process must be directed to the Principal in the first instance.
- 10.4 An entry will be made on the Single Central Register for all current members of staff at the School, the proprietorial body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.
- 10.5 All checks will be made in advance of appointment or as soon as practicable after appointment.
- 10.6 The School does not use artificial intelligence software as a decision-making tool at any stage of the recruitment process, including in respect of external and internal applications and promotion proposals.

Scope of this Policy

- 10.7 This Recruitment, Selection and Disclosures Policy and Procedure applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards) (England) Regulations 2014 staff are defined as *'Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract but does not include supply staff or a volunteer.'*

- 10.8 In the case of agency or contract workers, the School should set out their safeguarding requirements in the contract between the organisation and the School must obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the appropriate level of DBS check for such staff.
- 10.9 The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure – renewed every 3 years, right to work in the UK, barred list, prohibition, qualifications, overseas checks, plus those checks set out in KCSIe as ‘pre-employment’ checks. The Single Central Register shows that these checks have been made and the School carries out its own identity check and has a copy of the disclosure (whether or not it discloses any information).
- 10.10 Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:
- 10.10.1 A person who is accountable only to the trustees/governors, and who carries overall responsibility for the day-to-day management and control of the charity. At St Mary’s School this would be the Principal.
 - 10.10.2 A person who is accountable only to the Principal or the trustees/governors and who is responsible for the overall management and control of the charity’s finances. At St Mary’s School this would be the Head of Finance & Operations.
- Being disqualified means that a person cannot take on, or stay in, a senior management position – even on an interim basis, unless the Charity Commission has removed (or ‘waived’) the disqualification.
- 10.11 In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School during the School term. The School will determine the appropriate level of supervision depending on the circumstances.
- 10.12 Any staff who TUPE transfer into the School's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.
- 10.13 If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

Application form

- 10.14 The School will only accept applications from candidates completing the relevant Application form in full. CVs will not be accepted in substitution for completed Application forms, but are permitted to be submitted alongside an Application form.
- 10.15 The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a Job Description and Person Specification for the role applied for.
- 10.16 Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.
- 10.17 As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope marked for the Principal, who will read and then destroy it. If candidates would like to discuss this beforehand, they are asked to telephone in confidence to the Principal for advice.
- 10.18 Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service (DBS) website.
- 10.19 The successful applicant will be required to complete an application for an Enhanced Disclosure Form from the Disclosure and Barring Service (DBS) for the position and, where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify the School immediately if there are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration.
- 10.20 The statutory guidance "Disqualification under the Childcare Act 2006" applies to those providing early years childcare or later years childcare, including before School and after School clubs, to children who have not attained the age of 8 **and** to those who are directly concerned in the management of that childcare.

- 10.21 The School takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the Principal immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.
- 10.22 Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the Head of Finance & Operations for more details.
- 10.23 Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.
- 10.24 The School has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment. More guidance for schools from the DfE on this can be found at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf
- 10.25 If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure. Any information about past disciplinary action or substantiated allegations should be considered in the circumstances of the individual case.
- 10.26 If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate's School or university.
- 10.27 All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal by the School if they have been appointed, and a possible referral to the police and/or DBS.

Invitation to Interview

- 10.28 The School will short list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people will carry out the shortlisting exercise, consider any inconsistencies, look for gaps in employment and reasons given for them, and, explore all potential concerns.
- 10.29 As part of the shortlisting process, the School will consider carrying out an online search on shortlisted candidates as part of its due diligence. This may help to identify any incidents or issues that have happened, and are publicly available online, which the School may want to explore with an applicant at interview. This forms part of the School's wider safeguarding due diligence which aims to prevent and/or deter individuals who may be unsuitable to work with children from working in a school environment.
- 10.30 Shortlisted applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.
- 10.31 Shortlisted candidates should be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Applicants will be asked to sign a declaration confirming that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at the point of interview.
- 10.32 The School will endeavour to obtain references prior to interview. This allows any concerns raised to be explored further with the referee and can be taken up with the shortlisted candidate at interview.
- 10.33 All formal interviews will have a panel of at least two people chaired by the Principal or another designated senior member of staff. It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors should chair the panel for the Principal and Head of Finance & Operations' appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Deputy Chair shall decide whether the Chair should withdraw from the panel.
- 10.34 The interview will be conducted in person and the areas which it will explore will include suitability to work with children, including, where appropriate, any discussion of information shared by a candidate in their self-declaration form.

10.35 All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post e.g. the original or certified copy of certificates, diplomas etc. Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

10.36 The School requests that all candidates invited to interview also bring with them:

- A current driving licence including a photograph, a passport and a full birth certificate;
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
- Where appropriate any documentation evidencing a change of name;
- Where applicable, proof of entitlement to work and reside in the UK.

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.

10.37 Candidates with a disability who are invited to interview should inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

10.38 We are an equal opportunities employer and welcome applications from all candidates. All our prospective employees are asked to complete identical pre-employment questionnaires, which are screened by a contracted-out Occupational Health Service and information is kept confidential. Thereafter, they will form part of an employee's medical records and will not be disclosed to any third party. Medical records are securely destroyed after an individual leaves the employment of the School.

10.39 Candidates should bear in mind that the law provides that they must consent before a medical report can be obtained from their own doctor for employment purposes, and that they are entitled to see their report. The School will meet any costs of the medical examination.

Disability

10.40 A disability will not of itself justify the non-recruitment of an applicant for a position at the School. Such reasonable adjustments to the application procedures shall be made as are required to ensure that applicants are not disadvantaged because of their disability.

10.41 Before an applicant is judged because of a reason related to their disability to have failed to meet the requirements of a job description and person specification, or to have been less suitable than other applicants, full consideration will be given to whether a reasonable adjustment can be made which will counteract this disadvantage. Provided always that such steps are proportionate.

- 10.42 The School will make such adjustments to work arrangements or School premises as are reasonable to enable a disabled staff member to carry out his or her duties. This will include, but is not limited to, consideration of the provision of specialist equipment, job re-design, re-training, flexible hours. Provided always that such steps and costs are proportionate.
- 10.43 The School recognises the importance of taking pro-active measures to remove barriers to disabled people from the working environment.
- 10.44 Where during the course of their employment a disabled member of staff recognises their need for a reasonable adjustment to be made to work arrangements or School premises, he or she should discuss this requirement with the Principal. The expertise of the disabled staff member concerning their own disability will be recognised. Provided always that such costs and adjustments are proportionate.
- 10.45 Where the School does not have the relevant expertise to resolve the problem, an outside specialist may be consulted. Once an adjustment has been made its operation may need to be reviewed at agreed intervals, to assess its continuing effectiveness. Provided always that any steps and costs incurred are proportionate.

Conditional Offer of Appointment: Pre-Appointment Checks

10.46 Any offer to a successful candidate will be conditional upon:

- 10.46.1 Receipt of at least two satisfactory references (if these have not already been received);
- 10.46.2 Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK (if not already received);
- 10.46.3 A satisfactory enhanced DBS check and if appropriate, a check of the Children's Barred List maintained by the DBS;
- 10.46.4 For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the historic Generic Teaching Council for England before its abolition in March 2012. Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
- 10.46.4.1 Planning and preparing lessons and courses for pupils;
- 10.46.4.2 Delivering and preparing lessons to pupils;
- 10.46.4.3 Assessing the development, progress and attainment of pupils;

- 10.46.4.4 Reporting on the development, progress and attainment of pupils.
- 10.46.5 Verification of professional qualifications, where appropriate;
- 10.46.6 Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999);
- 10.46.7 Where the successful candidate has worked or been resident overseas such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered. This shall include the candidate providing the School with proof of his/her past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which s/he has worked;
- 10.46.8 Evidence of satisfactory medical fitness;
- 10.46.9 Confirmation from the candidate that they are not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006" OR Receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006";
- 10.46.10 For a candidate to be employed into a senior management position as set out above under "Scope of this Policy", receipt of a signed "senior charity manager positions: automatic disqualification declaration" confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.
- 10.46.11 Where the successful candidate will be taking part in the management of the School, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors, Senior Leadership Team and teaching heads of department; and
- 10.46.12 For a candidate that has lived or worked outside the UK, an EEA check using the NCTL Teacher Services system for information about any teacher sanction or restriction.
- 10.47 It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence and processed in accordance with the Recruitment Privacy Notice and Data Protection Policy. This information will be reviewed against the Job Description and the

Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities and/or layout of the School.

10.48 The School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

References

10.49 The School will seek the references referred to in section 10.46.1 above for shortlisted candidates (including internal applicants) and will approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.

10.50 The School will ask all referees if the candidate is suitable to work with children and to provide facts of any substantiated safeguarding concerns or allegations that meet the harm threshold set out in Part 4 of the statutory guidance "Keeping Children Safe in Education". Substantiated allegations that meet the harm threshold should be included in references. Any repeated concerns or allegations which do not meet the harm threshold which have all been found to be false, unfounded, unsubstantiated, or malicious should not be included in any reference.

10.51 The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. The School will verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source.

10.52 The School will compare any information provided by the referee with that provided by the candidate on the application form. Any inconsistencies will be discussed with the candidate.

Criminal Records Policy

10.53 The School will refer to the Department for Education (DfE) document, 'Keeping Children Safe in Education' and any amended version in carrying out the necessary required DBS checks.

10.54 The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request or accessed here: <https://www.gov.uk/government/publications/dbs-code-of-practice>

10.55 There are limited circumstances where the School may accept a check from another educational institution which are as follows:

This is where the new member of staff (“M”) has worked in:

- 10.55.1 A School or a maintained School in England in a position which brought M regularly into contact with children or young persons;
- 10.55.2 A maintained School in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- 10.55.3 An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education, or which brought M regularly into contact with children or young persons,

during a period which ended not more than three months before M's appointment.

In these circumstances the School may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

DBS Update Service

10.56 Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

If disclosure is delayed

10.57 A short period of work is allowed under controlled conditions, at the Principal's discretion. However, if an 'enhanced disclosure' is delayed, the Principal may allow the member of staff to commence work:

- 10.57.1 Without confirming the appointment;
- 10.57.2 After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- 10.57.3 Provided that the DBS application has been made in advance;
- 10.57.4 With appropriate safeguards taken (for example, loose supervision);
- 10.57.5 Safeguards reviewed at least every two weeks by the Principal/Head of Finance & Operations and member of staff;

- 10.57.6 The person in question is informed what these safeguards are; and
- 10.57.7 It is recommended, but not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

Retention, Security of Records and Data Protection Obligations

- 10.58 The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.
- 10.58 The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Recruitment Privacy notice, and the GDPR & Data Protection Policy.

Policy on the Recruitment of Ex-Offenders

- 10.60 The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.
- 10.61 All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.
- 10.62 Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006".
- 10.63 It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and/or the DBS if:
- 10.63.1 the School receives an application from a disqualified person;

10.63.2 is provided with false information in, or in support of an applicant's Application; or

10.63.3 the School has serious concerns about an applicant's suitability to work with children.

10.64 In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

10.64.1.1 whether the conviction or other matter revealed is relevant to the position in question;

10.64.2 whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);

10.64.3 the seriousness of any offence or other matter revealed;

10.64.4 the length of time since the offence or other matter occurred;

10.64.5 whether the applicant has a pattern of offending behaviour or other relevant matters;

10.64.6 whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;

10.64.7 in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and

10.64.8 the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

10.65 If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

10.66 If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

10.67 If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of any driving offence.

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